

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2006-294-C - ORDER NO. 2007-277
APRIL 23, 2007

IN RE: Sandi Perry,) ORDER DENYING
) MOTIONS FOR LEAVE
Complainant/Petitioner,) TO AMEND
) COMPLAINT AND TO
vs.) SUBMIT A STATEMENT
) OF FACTS AND
BellSouth Telecommunications, Inc.,) PARTIALLY
) DISMISSING
Defendant/Respondent.) COMPLAINT

This matter comes before the Public Service Commission of South Carolina (Commission) on the motions by Ms. Sandi Perry, a *pro se* complainant, to amend her complaint and to submit a statement of facts. For the reasons explained herein, we deny Ms. Perry's motions, and we further take this opportunity to dismiss portions of her complaint that are based upon allegations over which we have no jurisdiction and to clarify the scope of the controversy properly before us.

Ms. Perry has previously amended her complaint in her 26-page filing received in the Commission's offices on January 9, 2007. The Amended Complaint was served upon the parties on January 19, 2007. On February 15, 2007, BellSouth Telecommunications, Inc. (now AT&T) timely filed its answer, asserting multiple affirmative defenses and requesting that the Commission issue an Order denying all relief requested in the Amended Complaint.

Now, Ms. Perry has moved for leave to amend her complaint again to add allegations of wrongdoing occurring since the filing of the initial complaint. At the outset, we note that parties appearing before this Commission cannot amend their pleadings as a matter of right. The Commission's regulations at 26 S.C. Code Ann. Regs. 103-839 empower the Commission to decline to permit amendment to a pleading for good cause. Ms. Perry has already amended her complaint once, and AT&T has answered. In its subsequent filing opposing Ms. Perry's most recent Motions to Amend and to Submit a Statement of Facts, AT&T correctly points out that Ms. Perry will be afforded the opportunity to offer her version of the facts in her pre-filed testimony. Accordingly, Ms. Perry will not be prejudiced by our denial of her motion to amend and to submit a statement of facts. However, should Ms. Perry be permitted to file new pleadings in this matter, it would necessitate the filing of new responsive pleadings from AT&T. On balance, we believe that the interests of justice and efficiency will be best served by not permitting the filing of new pleadings in this matter, and accordingly, we deny Ms. Perry's motions.

Additionally, the Commission finds that the interests of justice and efficiency would be well served by our clarification of the scope of the controversy properly before us in this docket. In her amended complaint filed on January 9, Ms. Perry alleges violations of federal privacy laws and several tort-based causes of action, including invasion of privacy, intentional infliction of emotional distress, and slander. She also claims that AT&T wrongfully collected money paid on her behalf by her mother and sister. Claiming to have suffered anxiety, mental anguish, and damage to her

relationships with family members, she requests relief in the form of “at least \$10,000 per issue” and further requests that the Commission award punitive damages.

As stated previously, AT&T has requested in its answer that we deny Ms. Perry the relief she has requested. AT&T correctly asserts that much, if not all, of the relief Ms. Perry has requested is beyond the Commission’s power and jurisdiction to grant. We have no jurisdiction to adjudicate tort claims or to award tort damages. We also cannot award consequential damages in connection with AT&T’s alleged wrongful interruption of Ms. Perry’s service, and therefore, cannot order AT&T to reimburse Ms. Perry’s cellular phone expenses. Furthermore, Ms. Perry has no standing to assert any claims on behalf of her mother or sister or to represent the interests of either of them, and we therefore cannot order AT&T to refund to Ms. Perry the amounts paid by Ms. Perry’s mother and sister on her behalf. Finally, the Commission’s Regulations do not provide for awards of out-of-pocket copying and other litigation-related costs to individual litigants. Accordingly, all of these matters should be, and are hereby dismissed.

The only controversies raised by Ms. Perry which appear to be within the jurisdiction of the Commission relate to disputed charges for an unspecified number of calls to Canada and two three-way calls. According to the amended complaint, the disputed charges for these items amount to a total of \$34.86. Accordingly, by this order, the Commission strikes all allegations and dismisses all causes of action in this docket which do not directly address the propriety of AT&T’s charges to Ms. Perry for the disputed calls to Canada and the two disputed three-way calls. At the scheduled hearing in this matter, the parties will be limited to presenting only evidence relating to these

disputed charges. Therefore, based upon the representations by Ms. Perry to the Commission in her pleadings, the total amount in controversy for the remaining claims is \$34.86.

IT IS THEREFORE ORDERED THAT:

1. The Motion to Amend Complaint and to Submit a Statement of Facts filed by the Complainant is hereby denied.
2. All matters not relating to the allegations of improper charges for telephone calls to Canada and three-way calls described above are hereby stricken.
3. All tort-based claims, claims seeking compensatory and punitive damages, and claims seeking recovery on behalf of Complainant's mother and sister are hereby dismissed.
4. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)